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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,613	10/10/2001	Laura J. Odegaard	49335.0600	8447

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EXAMINER
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GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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12/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/974,613	<b>Applicant(s)</b> ODEGAARD ET AL.	
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3692	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/20/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 101**

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 10, 29, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites "providing", "receiving" reviewing" selecting", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

### **Claim Rejections - 35 USC § 102**

#### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-35, are rejected under 35 U.S.C. 102(e) as being anticipated by Kiyosaki et al (Hereinafter Kiyosaki U.S Patent: 6, 106, 300).

As per claim 1, Kiyosaki discloses a method for a financial planning competition, the method comprising the steps of  
during at least a first phase of competition, generating, by a financial planning organization, a client profile.(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67) providing the client profile to at least one team;  
receiving a written financial plan from each team, the financial plan configured to achieve at least one predetermined client goal based upon the client profile;

reviewing each financial plan based on predetermined financial planning criteria and assigning award points to each plan; and selecting a predetermined number of teams to participate in a second phase of competition based on the award points.(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67),

As per claim 2, Kiyosaki discloses further comprising the steps of during at least a second phase of the competition, generating, by the financial planning organization, a revised client profile based on the client profile; providing the revised client profile to the team.(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67) within a predetermined amount of time, receiving a revised financial plan from each team, the revised financial plan configured to achieve at least one predetermined client goal based upon the revised client profile; and reviewing each revised financial plan based on predetermined financial planning criteria and assigning second phase award points to each revised plan...(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67),

As per claim 3, Kiyosaki discloses the client profile being based upon a fictitious client profile. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 4, Kiyosaki discloses the written financial plan further including calculations based on the client profile, a predetermined appearance and format, predetermined financial planning concepts and financial plan recommendations to achieve the at least one predetermined client goal. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 5, Kiyosaki discloses the award points and the revised award points being assigned according to each plan's analysis of net worth information, total educational costs information, total qualified assets at retirement information, cash flow information, risk management information, investment planning information, income tax planning information, retirement planning information, education planning information

and estate planning information. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 6, Kiyosaki discloses further comprising the step of during at least a third phase of the competition, selecting a predetermined number of teams to participate in a third phase of competition based on the second phase award points to each revised plan. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 7, Kiyosaki discloses further comprising the steps of allowing the financial planning organization to generate a predetermined number of categories having corresponding questions, allowing each team to select a question and allowing each team to answer the question, and awarding question points to each team having selected a correct answer, subtracting question points otherwise. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 8, Kiyosaki discloses the questions corresponding to financial planning concepts. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 9, Kiyosaki discloses further comprising the step of requiring each team to successively answer questions until one of the teams is declared a winner by at least one reviewer. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 10, Kiyosaki discloses a method for providing a financial planning competition having at least a first phase, the first phase comprising the step of establishing a first phase written competition by a financial planning organization, the first phase further comprising the steps of allowing the financial planning organization to generate a first client profile, assigning the first client profile to at least one team to prepare a written financial plan to achieve at least one predetermined client goal, receiving the written financial plan from each team by the financial planning organization, reviewing the written financial plan, assigning award points based on the written financial plan and selecting at least one first phase competition winner

based on the written award points. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 11, Kiyosaki discloses further comprising the step of establishing a second phase oral competition by the financial planning organization, the second phase competition further comprising the steps of selecting at least two teams based on the written award points to participate in the second phase, introducing a second client profile to each selected team and, within a predetermined amount of time, directing each selected team to prepare a presentation corresponding to the second client profile to achieve at least one predetermined client goal, allowing each team to communicate the presentation to the financial planning organization, judging each presentation based on predetermined financial planning criteria, assigning presentation award points, and selecting at least one second phase winner based on cumulative presentation award points. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 12, Kiyosaki discloses the step of allowing each team to communicate the presentation to the financial planning organization being executed over a computer network. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 13, Kiyosaki discloses the computer network being the Internet. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 14, Kiyosaki discloses the first and second client profiles being based upon a fictitious client fact pattern. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 15, Kiyosaki discloses the first client profile being factually different than the second client profile. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 16, Kiyosaki discloses the written financial plan further including calculations based on the first client profile, a predetermined appearance and format,

predetermined financial planning concepts and financial plan recommendations to achieve the at least one predetermined client goal. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 17, Kiyosaki discloses further comprising the step of awarding each first phase winner a corresponding prize. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 18, Kiyosaki discloses the corresponding prize being a scholarship. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 19, Kiyosaki discloses the corresponding prize being a cash prize. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 20, Kiyosaki discloses the step of allowing each team to communicate the presentation to the financial planning organization being executed orally by at least one member from each team. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 21, Kiyosaki discloses the step of allowing each team to communicate the presentation to the financial planning organization further including a discussion of calculations based on the first client profile, a predetermined appearance and format, predetermined financial planning concepts and financial plan recommendations to achieve the at least one predetermined client goal. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 22, Kiyosaki discloses further comprising the step of awarding each second phase winner a corresponding prize. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 23, Kiyosaki discloses the corresponding prize being a scholarship. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 24, Kiyosaki discloses the corresponding prize being a cash prize. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 25, Kiyosaki discloses further comprising the step of establishing a third phase financial planning knowledge-based competition by a financial planning organization, the third phase competition further comprising the steps of generating a predetermined number of financial planning categories having corresponding questions, allowing one team to select a particular question, having each team answer the particular question, awarding third phase points to each team having selected a correct answer to the particular question and subtracting third phase points otherwise, and allowing each team to successively answer questions until one of the teams is declared a winner based on cumulative third phase points. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 26, Kiyosaki discloses further comprising the step of awarding each third phase winner a corresponding prize. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 27, Kiyosaki discloses the corresponding prize being a scholarship. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 28, Kiyosaki discloses the corresponding prize being a cash prize. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 29, Kiyosaki discloses a system for hosting a financial planning competition by a financial planning organization, the system comprising the steps of hosting a first phase competition, the first phase competition further comprising: generating a client profile; providing the client profile to at least one team. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67) receiving a financial plan from each team, the financial plan configured to achieve at least one predetermined client goal



based upon the client profile; and reviewing each financial plan based on predetermined financial planning criteria and assigning award points to each plan;  
hosting a second phase competition, the second phase competition further comprising:  
selecting a predetermined number of teams to participate in the second phase of competition based on the award points. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67) generating a revised client profile based on the client profile, the revised client profile being factually different than the client profile;  
providing the revised client profile to the team;  
receiving a revised financial plan from each team, the revised financial plan configured to achieve at least one predetermined client goal based upon the revised client profile;  
and reviewing each revised financial plan based on predetermined financial planning criteria and assigning second phase award points to each revised plan. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 30, Kiyosaki discloses further comprising the step of hosting a third phase competition, the third phase competition further comprising the step of selecting a predetermined number of teams to participate in a third phase of competition based on the second phase award points. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 31, Kiyosaki discloses further comprising the steps of allowing the financial planning organization to generate a predetermined number of categories having corresponding questions, allowing each team to select a question and allowing each team to answer the question, and awarding question points to each team having selected a correct answer, subtracting question points otherwise. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 32, Kiyosaki discloses the questions corresponding to financial planning concepts. (see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 33, Kiyosaki discloses further comprising the step of requiring each team to successively answer questions until one of the teams is declared a winner by at

least one reviewer. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 34, Kiyosaki discloses the written financial plan further including calculations based on the client profile, a predetermined appearance and format, predetermined financial planning concepts and financial plan recommendations to achieve the at least one predetermined client goal. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

As per claim 35, Kiyosaki discloses, the award points and the revised award points being assigned according to each plan's analysis of net worth information, total educational costs information, total qualified assets at retirement information, cash flow information, risk management information, investment planning information, income tax planning information, retirement planning information, education planning information and estate planning information. .(see column 1 lines 46-67 and column 2 lines 1-5 and 43-67 and column 3-5 lines 1-67).

### **Conclusion**

4. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

5. Applicant's claims 1, 10, 29, states "configured to achieve" organization to generate" teams to prepare" teams to participate"

However the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or

(D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

\*\*>USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process." ).<

Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." Multifarm Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

Application/Control Number:  
09/974,613  
Art Unit: 3692

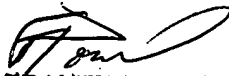
Page 11

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Dec 4, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
